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**FILED****JAN 15 2019**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
MODESTO DIVISION

In Re:

ANDREAS ABRAMSON

Debtor.

Case No. 18-90258-E-7

Chapter 7

DCN: MF-6

Date: February 14, 2019

Time: 10:30 a.m.

Place: Courtroom 33  
501 I Street, 6<sup>th</sup> Floor  
Sacramento, California

Hon. Ronald H. Sargis

**DEBTOR IN POSSESSION'S EVIDENTIARY HEARING BRIEF IN SUPPORT OF  
DEBTOR'S MOTION TO AVOID JUDICIAL LIEN OF HELEN MCABEE**

**I. INTRODUCTION**

The Motion to Avoid Judicial Line of Helen McAbee (herein "Motion") (Dckt. No. 111) turns completely on the valuation of the underlying real property, known as 83 Sanguinetti Court, Copperopolis, California (the "Property"). The evidence shows that the Property is worth not more than \$1,000,000 and because the senior lien plus the homestead total \$1,000,000, McAbee has no value to support its lien, the lien should be avoided in its entirety.

**II. FACTS**

The Debtor brings this Motion to Avoid the Lien of Helen McAbee in the amount of

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\$770,000, pursuant to Bankruptcy Code section 522(f) and to preserve the lien for Debtor's benefit. Debtor's Motion recites that the property, his residence, is subject to a first deed of trust in the approximate amount of \$925,000, that he is entitled to a homestead exemption of \$75,000, and that the property has a value on the date of bankruptcy (April 13, 2018) of \$1,160,027. The value has been refined by the bids of two contractors for major deck repair, averaging sum of \$150,000. Debtor has submitted the appraisals of Jack Paddock and Christine D. Rodriguez and in the amount of \$1,090,000 and 1,250,000 respectively (the latter not considering the aforesaid cost of deck repair). Ms. Rodriguez's appraisal does consider the cost of deck repair, costs of sale are generally estimated at 7%, reducing the value of the lien to \$35,000, which would reduce the value to \$1,100,00. Because the total of the lien and the homestead exemption is the amount of \$1 million, there is virtually no equity to support the McAbee lien.

### III. CONCLUSION

Debtor submits that the McAbee lien should be avoided in its entirety. Debtor has not received McAbee's evidence in support of valuation and reserves the right to file a supplement to this trial brief commenting upon it.

DATED: January 15, 2019

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By: /s/ Iain A. Macdonald  
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